

The Examiner has required restriction of the claims under 35 U.S.C. § 121 and § 372. In response thereto, Applicants elect with traverse to prosecute Group III, claims 11-12 and 17-22.

Since the subject application was filed under 35 U.S.C. § 371, the unity of invention standard pursuant to PCT Rule 13 is applied.

Applicants believe that, at a minimum, Groups I, III and IV as well as newly added claims 23-26 relate to a group of inventions so linked as to form a single general inventive concept.

Section 1850 of the M.P.E.P. clearly indicates that "[u]nity of invention has to be considered in the first place only in relation to the independent claims . . . and not the dependent claims." Newly added claims 23-26 are directed to a process for producing the arachidonic acid-containing microbial lipid of elected claim 11. Therefore, newly added claims 23-26 should be included with elected Group III (claims 11-12 and 17-22).

Section 1850 of the M.P.E.P. also indicates that “[i]n addition to an independent claim for a given product, an independent claim for a process specially adapted for the manufacture of the said product . . .” should be included in the same combination. The phrase “specially adapted” is not intended to infer that the product could not also be manufactured by a different process. *See* M.P.E.P. § 1850. Thus, in regard to the subject application, independent claims 1-4 (Group I) which are directed to a process for producing lipids containing arachidonic acid should also be included with elected product claims 11-12 and 17-22 (Group III).

Furthermore, claim 17 which is included in elected Group III is dependent upon independent claim 13. Thus, a technical relationship exists between Group IV and claim 17 of elected Group III. Accordingly, independent microorganism claim 13 and dependent microorganism claims 14-16 of Group IV should also be included with Group III.

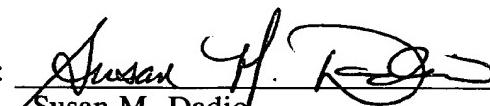
Moreover, there would be no serious burden on the Patent Office or the Examiner to examine the claims of at least Groups I, III, IV and newly added claims 23-26 in the same application as the search directed to one of the above-mentioned groups would almost necessarily include a search directed to the subject matter of the claims of the other groups.

Therefore, applicants respectfully request that, at a minimum, claims 1-4 and 11-26 be examined at the same time.

In the event that there are any questions relating to this Amendment and Reply to Restriction Requirement, or the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,

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